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September 7, 2007

Mark N. Lipp, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: Multicultural Radio Broadcasting Licensee, LLC
WNSW (AM), Newark, New Jersey
Facility Identification Number: 73332
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 22, 2007, on behalf of Multicultural Radio Broadcasting Licensee, LLC ("MRB"). MRB requests special temporary authority ("STA") to operate Station WNSW pursuant to Section 73.1615.¹ In support of the request, MRB states that it is in the process of constructing modified facilities for Station WNSW as authorized by Construction Permit BP-20070117AFN (*see* Note 1, below). MRB states that it has lost the licensed site, and that it is operating from the permit site with a nondirectional antenna and 25 percent of the authorized directional power while taking nondirectional proof of performance measurements. MRB requests STA for continued operation with the nondirectional antenna. MRB further states that the permit includes a condition which requires it to cease operation of commonly owned Station WNYG upon commencement of program tests with the new facilities, and requests STA to permit continued operation of Station WNYG while Station WNSW operates nondirectionally from the permit site. MRB provides an engineering showing which demonstrates that such operation will not result in any increased overlap with Station WNYG.

Section 73.1615, which governs operation during modification of facilities, provides that AM licensees holding construction permits which involve directional facilities may discontinue operation, may operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitor points within licensed limits, may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power, may operate during daytime hours only in nondirectional mode with power reduced to 25% of construction permit directional power only as necessary to conduct nondirectional proof measurements, may operate during daytime hours with the substantially adjusted daytime or nighttime directional facilities authorized by the permit and with the power

¹ WNSW is licensed for operation on 1430 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U). Construction Permit BP-20070117AFN authorizes relocation of the transmitter, an increase in operating power to 10 kilowatts daytime and 7 kilowatts nighttime, employing different directional antenna patterns during daytime and nighttime hours (DA-2-U).

authorized by the permit only as necessary to take proof of performance measurements. Operating power shall be reduced to currently licensed levels when proof measurements are not being taken.

Our review indicates that the request complies with Section 73.1615.

Accordingly, the request for STA IS HEREBY GRANTED. Station WNSW may operate pursuant to Section 73.1615 and the terms and conditions of Construction Permit BP-20070117AFN. In particular, the following modes of operation are authorized:

- 1) During daytime hours, with a nondirectional antenna and reduced power not to exceed 2.5 kilowatts, for nondirectional proof of performance measurements and as necessary to facilitate the construction work.
- 2) During nighttime hours, with a nondirectional antenna and reduced power not to exceed 1.25 kilowatts, only as necessary to facilitate the construction work.
- 3) During nighttime hours, with the substantially adjusted nighttime directional antenna pattern authorized by the permit, with reduced power not to exceed 5 kilowatts.
- 4) **Following cessation of operation by Station WNYG²**, during daytime hours, with the substantially adjusted daytime and/or nighttime directional patterns and powers authorized by the permit, for final adjustment and proof of performance measurements. Operating power shall be reduced to 5 kilowatts or less during any significant period of time when field strength measurements are not being taken.

Operation shall not commence until sufficient duplexing equipment has been installed and properly adjusted to reduce all spurious emissions below the levels specified in 47 CFR Section 73.44(b). Within 30 days from the date of this letter, MRB must submit the results of measurements which demonstrate compliance with the above condition. It will be necessary to further reduce power or cease operation if complaints of interference are received. MRB must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **March 7, 2008**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing

² Operation of Station WNYG with its currently licensed facilities may continue during operation of Station WNSW in Modes 1) through 3) above. However, MRB shall terminate operation of Station WNYG from its currently licensed site prior to commencement of operation in Mode 4) above.

of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Multicultural Radio Broadcasting Licensee, LLC